

CHAPTER 11 AUCTIONS AND AUCTIONEERS

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1100 AUCTION SALES: GENERAL PROVISIONS

- 1100.1 No person or corporation shall offer for sale, sell, or cause to be offered for sale or sold, any real or personal property at public action in the District of Columbia, unless that sale is cried by a duly licensed auctioneer.
- 1100.2 A wholesale dealer in perishable goods used for food may, in order to avoid loss from deterioration or decay, sell those perishable goods owned by the dealer to the highest bidders without procuring an auctioneers' license and without employing licensed auctioneers, but no dealer shall resort to such sales more often than three (3) times a week.
- 1100.3 In addition to the permit required under §2 of the Act of Congress approved Sept. 8, 1916 (D.C. Code §47-2701 (1981)), no personal property shall be offered or exposed for sale or sold at auction by any person in any street, avenue, alley or other public place unless by special permit from the Chief of Police.

AUTHORITY: Unless otherwise noted, the authority for this chapter is a Joint Resolution to regulate licenses to proprietors of theatres in the city of Washington, District of Columbia, and for other purposes, approved February 26, 1892.

SOURCE: Section 1 of Article 24 of the Police Regulations; as enacted by Commissioners' Order 332803 adopted October 17, 1933, Minutes of the Board of Commissioners, Vol. 54, Pg. 1304 *et seq.*

1101 AUCTIONEER'S LICENSE

- 1101.1 Auctioneers' licenses are issued under paragraph 9 of the Act of Congress approved July 1, 1932 (D.C. Code §47-2808 (1981)), which also sets the license fee.
- 1101.2 No licensed auctioneer shall permit any other person or corporation to hold or conduct any auction sale in his or her name.
- 1101.3 An applicant for an auctioneer's license shall have three (3) sets of fingerprints taken by the Metropolitan Police Department, which shall become a part of the application.

- 1101.4 Any applicant who is not a resident of the District of Columbia shall have his or her fingerprints taken by the Metropolitan Police Department or by the police department or comparable authority where the applicant is a resident.
- 1101.5 If the fingerprints are taken by other than the Metropolitan Police Department, the fingerprints shall be attached to and accompanied by an affidavit of the authority taking the fingerprints stating that the fingerprints are the fingerprints of the applicant.
- 1101.6 Fingerprints taken under this section shall be submitted to the Federal Bureau of Investigation, and to such other and further authorities as the Chief of Police may deem advisable for comparison and record.
- 1101.7 No person shall be granted a license to conduct an auction sale or sales in the District unless the applicant has passed his or her eighteenth (18th) birthday and has been a *bona fide* resident of the District of Columbia for at least six (6) months immediately preceding the application or has been regularly employed or engaged in business in said District of Columbia for a continuous period of at least six (6) months immediately preceding the application.
- 1101.8 If an applicant who does not meet the residence requirements of this section, but possesses special qualification which will contribute to the effective sale of specifically described goods, the Mayor may, if the application is supported by a petition setting forth exceptional circumstances, authorize the issuance of a license.
- 1101.9 A license issued under §1101.8 shall expire upon the sale of the specified goods, or upon the expiration of the license year in which the license is issued, whichever occurs first. The applicant, in the application for a license, shall consent to this requirement for the expiration of the license.

SOURCE: Sections 1 and 8 of Article 24 of the Police Regulations; as enacted by Commissioners' Order 332803 adopted October 17, 1933, Minutes of the Board of Commissioners, Vol. 54, Pg. 1304 *et seq.*; as further amended by Commissioners' Order 60-574 adopted March 22, 1960.

1102 REPRESENTATIONS AND ADVERTISING

- 1102.1 A copy of the permit application under §2 of the Act approved Sept. 9, 1916 (D.C. Code §47-2702 (1981)), shall be posted in a conspicuous place in the premises in which the authorized sale is conducted.
- 1102.2 Any person or corporation selling or offering for sale any personal property at public action shall, in describing the property, be truthful with respect to the description, character, quality, and kind of property.
- 1102.3 For purposes of this chapter, the representations made under §1102.1 shall be considered as warranties, and any breach of those warranties shall be punishable by prosecution in the Criminal Division, Superior Court, as set forth in this chapter.

- 1102.4 No one shall offer for sale any personal property unless that property is shown before or at the time of the sale.
- 1102.5 All advertisements of auction sales in the District of Columbia shall contain only true statements of fact in relation to the sale, and the statements when so made shall be considered as warranties.
- 1102.6 A person, firm, or corporation desiring to sell property (either real or personal) at public action may, for the purpose of attracting attention to the prospective sale of that property, ring a bell once a day for a period of time not to exceed five (5) minutes, in front of the premises to be sold or the place where the personal property to be offered for sale is stored. The bell shall not to exceed six inches (6") in diameter at the bottom and five inches (5 in.) in height perpendicular from the level to the crown.

SOURCE: Sections 3, 4, 6, and 9 of Article 24 of the Police Regulations.

1103 CONDUCT OF AUCTION SALES

- 1103.1 No person offering for sale of selling any real or personal property at public auction in the District of Columbia shall, directly or indirectly, employ any person or persons for the purpose of puffing or bidding up the price of the property to be sold with no intention of purchasing the same, but with the intention of raising the price upon bona fide bidders.
- 1103.2 No person, firm, or corporation shall, directly or indirectly employ any person or persons known as "encouragers," who are not the criers of the property, but who pretend to be *bona fide* bidders and endeavor to induce *bona fide* bidders to purchase any of the property offered at auction.
- 1103.3 No licensed auctioneer shall conduct an auction sale for any person knowing that the person, directly or indirectly, employs "puffers" or "encouragers" in violation of this section.

SOURCE: Section 10 of Article 24 of the Police Regulations.

1104 AUCTION SALE RECORDS

- 1104.1 Each auctioneer, immediately prior to the receipt or acceptance for purposes of sale, and before offering any personal property for sale, shall write or cause to be written in a book to be kept for that purpose in the business the following information:
- (a) The name and address of the person who employed the auctioneer to sell the personal property;
 - (b) The location, with street number (if any), of the personal property before receipt of that property for sale;
 - (c) The date of receipt or acceptance of the personal property; and

- (d) The terms and conditions upon which the auctioneers receives or accepts the personal property for sale.

1104.2 All books and entries §1104.1 shall be open to inspection during business hours upon application of any member of the Metropolitan Police acting under authority of the Chief of Police.

SOURCE: Sections 5 and 7 of Article 24 of the Police Regulations.

1105 COMPLIANCE WITH OTHER REGULATIONS

1105.1 No auctioneer shall offer any dangerous or deadly weapon for auction without first complying with regulations of the District governing sales of dangerous or deadly weapons by licensed dealers.

1105.2 If an auctioneer, in addition to being licensed as an auctioneer, is also licensed as a dealer in second-hand personal property under this title, that auctioneer/second-hand dealer shall, upon receiving or accepting any personal property for purposes of sale by auction, keep that property separate and distinct from all other property or merchandise in his or her place of business.

1105.3 Within twenty-four (24) hours, excluding Sundays and holidays, the dual licensee under §1104.2 receiving property for sale by auction shall report the receipt or acceptance of that property to the Chief of Police (on blank forms to be prescribed by the Mayor) and retain the property separate in the place of business without selling or otherwise disposing of it, and without altering the identity of the property, destroying the property.

1105.4 If the property under §1105.3 is jewelry or other times composed of, or manufactured in whole or in part of gold, silver or platinum, the licensee shall not melt or take apart the items, or obliterate any marks of identification on the property, until after the expiration of fifteen (15) days from the time that receipt of the acceptance of the property was reported to the Chief of Police.

1105.3 Nothing in §1105.3 shall prohibit the redemption and removal of any property by the owner of the property at any time; or apply to property purchases by the auctioneer-second-hand dealer from the United States or District of Columbia governments; or apply to sales under or by virtue of legal process.

SOURCE: Section 5 of Article 24 of the Police Regulations; as amended by Commissioners' Order 61-255 adopted December 14, 1961; and by Commissioners' Order 66-345 adopted March 17, 1966.

1106 ENFORCEMENT AND PENALTIES

1106.1 Any person violating any of the provisions of this article shall, upon conviction, be fined not more than three hundred dollars (\$300) or imprisoned for not more than ninety (90) days.

1106.2 The penalties set forth in this section are in addition to the penalties set forth in D.C. Code §47-2704, §47-2707, and §47-2808 (1990 Repl. Vol.).

SOURCE: Section 11 of Article 24 of the Police Regulations.

